

PUBLIC VERSION

DANIEL J. BERGESON, Bar No. 105439
dbergeson@be-law.com
MELINDA M. MORTON, Bar No. 209373
mmorton@be-law.com
DONALD P. GAGLIARDI, Bar No. 138979
dgagliardi@be-law.com
JOHN W. FOWLER, Bar No. 037463
jfowler@be-law.com
BERGESON, LLP
303 Almaden Boulevard, Suite 500
San Jose, CA 95110-2712
Telephone: (408) 291-6200
Facsimile: (408) 297-6000

Attorneys for Plaintiff
VERIGY US, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

VERIGY US, INC, a Delaware Corporation

Plaintiff,

vs.

ROMI OMAR MAYDER, an individual;
WESLEY MAYDER, an individual; SILICON
TEST SYSTEMS, INC., a California Corporation;
and SILICON TEST SOLUTIONS, LLC, a
California Limited Liability Corporation,
inclusive,

Defendants.

Case No. C07 04330 RMW (HRL)

**DECLARATION OF DONALD P.
GAGLIARDI IN OPPOSITION TO WES
MAYDER'S MOTION FOR SUMMARY
JUDGMENT**

Date: August 8, 2008
Time: 9:00 am
Ctrm.: 6
Judge: Hon. Ronald M. Whyte

Complaint Filed: August 22, 2007
Trial Date: December 15, 2008

AND RELATED CROSS ACTIONS

DOCUMENT SUBMITTED UNDER SEAL
HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY

1 I, Donald P. Gagliardi, declare as follows:

2 1. I am an attorney licensed to practice law before all of the courts of the State of
3 California. I am a Partner with the law firm of Bergeson, LLP, counsel of record for Plaintiff,
4 Verigy US, Inc. ("Verigy") in the above-captioned action. I have personal knowledge of the facts
5 set forth in this declaration, and, if called to do so, I could and would competently testify thereto.

6 2. On or about the afternoon of July 9, 2008, I deposed defendant Wesley Mayder in
7 the above-captioned action. Attached hereto and incorporated herein by reference as Exhibit A are
8 true and correct copies of pertinent portions of the deposition testimony of Wesley Mayder,
9 including exhibits thereto.

10 3. On or about the morning of July 9, 2008, I attended the deposition of John
11 Davidson, taken by my partner John W. Fowler, in the above captioned action. Attached hereto
12 and incorporated herein by reference as Exhibit B are true and correct copies of pertinent portions
13 of the deposition testimony of Jon Davidson, including exhibits thereto.

14 4. Attached hereto as Exhibit C is a true and correct copy of the application for a
15 seller's permit, form BOE 400 SPA, downloaded by personnel in my office on July 16, 2008 from
16 the California Board of Equalization's website at <http://www.boe.ca.gov/pdf/boe400spa.pdf>.

17 I declare under penalty of perjury under the laws of the United States of America that the
18 foregoing is true and correct and that this declaration was executed this 17th day of July, 2008 at
19 San Jose, California.

20
21 /s/
22 Donald P. Gagliardi
23
24
25
26
27
28